

Notice of Allowability

Application No.

09/668,253

Examiner

Aaron Strange

Applicant(s)

BECHTOLSHEIM ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 9/22/2005.
2. ☒ The allowed claim(s) is/are 2-9,12-21,30-34,36,37,40-45,47-49,51,53-56,65-74,80,82,84 and 86-91, now renumbered 1-58.
3. ☒ The drawings filed on 28 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Allowable Subject Matter

1. Claims 2-9,12-21,30-34,36,37,40-45,47-49,51,53-56,65-74,80,82,84 and 86-91 (now renumbered 1-58) are allowed.
2. The following is the Examiner's statement of reasons for allowance:
3. With regard to independent claim 30, the prior art of record fails to disclose a method as claimed, and as enabled by the specification, comprising: receiving an Ethernet packet, modifying the packet by replacing the preamble with a header configured to provide support for network management, and transmitting a defect indicator with the header, and switching a receiving node to a backup path.
4. With regard to independent claim 31, the prior art of record fails to disclose a method as claimed, and as enabled by the specification, comprising: receiving an Ethernet packet, modifying the packet by replacing the preamble with a header configured to provide support for network management, and providing an automatic protection subchannel within the header.
5. With regard to independent claims 37,53,65 and 91, the prior art of record fails to disclose a method as claimed, and as enabled by the specification, comprising: receiving an Ethernet packet, modifying the packet by replacing the preamble with a

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header configured to provide support for network management, and communicating routing table information via the header.

6. With regard to independent claim 41, the prior art of record fails to disclose a method as claimed, and as enabled by the specification, comprising: receiving a modified Ethernet packet containing a header configured to provide support for operations administration and maintenance, and replacing the header with an Ethernet preamble, and wherein the header is the same size as the preamble.

7. With regard to independent claim 45, the prior art of record fails to disclose a system as claimed, and as enabled by the specification, comprising: a port controller comprising an optical to electrical converter and a CDL handler that receives an Ethernet packet, replaces the preamble with a header configured to provide support for network management, and wherein the header comprises a operations, administration and maintenance field, a message channel, an application specific field, and a header error detection field.

8. With regard to independent claim 49, the prior art of record fails to disclose a system as claimed, and as enabled by the specification, comprising: a port controller comprising an electrical to optical converter and a CDL handler that receives an Ethernet packet, replaces the preamble with a header configured to provide support for

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network management, and wherein the header comprises a operations, administration and maintenance field.

9. With regard to independent claim 89, the prior art of record fails to disclose a system as claimed, and as enabled by the specification, comprising: receiving a modified Ethernet packet containing a header configured to provide support for network management, and replacing the header with an Ethernet preamble, and transmitting the Ethernet packet, and transmitting back-to-back idle packets and separating the idle packets with a spacing equal to at least two times the minimum transmit interpacket gap.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
11/30/2005



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